



THE CITY OF NEW YORK
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December 21, 2010

BY ECF

Honorable Brian M. Cogan
United States District Judge
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Phillis Archipoli, et al. v. City of New York, et al.
10 CV 1986 (BMC)

Dear Judge Cogan:

I represent the defendants in the above-referenced civil rights action. I apologize for my less than clear submission of yesterday. This is a consent request to extend discovery for thirty (30) days *nunc pro tunc* from December 20, 2010 until January 20, 2011.

There are a number of reasons for this request. First, plaintiffs have amended the complaint, and according to the Court's docket sheet, have served five individually named defendants and have substituted the estate of William Archipoli Senior. However, this office has not yet resolved representation issues, and would respectfully request ten days until December 30, 2010 to resolve any outstanding representational issues and to file an answer for the new defendants and the City.

In that regard, plaintiffs have requested discovery regarding the new defendants, and although we are working on satisfying our obligations, we still await outstanding documents and need to conclude representation issues before completing discovery. Furthermore, the parties will be working hard to conclude numerous depositions of new parties within the enlarged time requested.

Although I am the second City attorney on this file, the parties have been working together to conclude discovery and are close to reaching a settlement. However, under the circumstances, we respectfully request this brief discovery extension until January 20, 2011. Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David M. Pollack".

David M. Pollack

cc: Brett Klein, Esq. (by ECF)